

Benin (Tier 2)

The Government of Benin does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. Despite the documented impact of the COVID-19 pandemic on the government's anti-trafficking capacity, the government demonstrated overall increasing efforts compared to the previous reporting period; therefore Benin remained on Tier 2. These efforts included prosecuting more suspected traffickers, identifying more potential child trafficking victims, and expanding proactive child victim identification and labor inspections at markets. The government also increased training for judicial officials and coordinated with the Governments of the Republic of the Congo and the United States on trafficking investigations. The government's child protection hotline—launched in the prior reporting period—reported more than 500 actionable tips related to child trafficking or abuse. However, the government did not meet the minimum standards in several key areas. Authorities investigated fewer trafficking cases, did not report clear statistics on convictions, and failed to sanction perpetrators with sentences corresponding to the designated penalties under the country's penal code. Additionally, officials reported identifying fewer adult victims and did not report initiating law enforcement action targeting the trafficking of adults.

PRIORITIZED RECOMMENDATIONS:

Expand training for law enforcement, prosecutors, judges, and judicial staff on the 2018 penal code articles 499-504 to increase their ability to investigate, prosecute, and convict perpetrators of sex and labor trafficking of adults and children, including fraudulent labor recruiters. • Sanction convicted traffickers with sentences in accordance with penal code articles 499-504 or the 2006 child trafficking law, while respecting due process and the rights of the accused. • Develop and disseminate systematic procedures for proactive identification of adult victims and their subsequent referral to care. • Collaborate with NGOs and international organizations to increase the government's capacity to provide shelter and services to more trafficking victims, including adults. • Expand implementation of the 2011 bilateral anti-trafficking agreement with the Republic of the Congo as well as the multilateral agreement with Burkina Faso and Togo to increase law enforcement coordination and investigate, prosecute, and convict perpetrators of transnational trafficking cases, while respecting due process. •

Finalize the multilateral agreement with Togo and Nigeria to increase information-sharing and cooperation on transnational investigations. • Develop an information management system for the Ministries of Justice, Interior, Labor, and other relevant government agencies—in coordination with international organizations—to improve access and utilization of law enforcement and judicial statistics

PROSECUTION

The government maintained its overall law enforcement efforts, although judges continued to sentence traffickers to penalties less stringent than designated by Benin's penal code. Existing laws criminalized sex trafficking and labor trafficking. Articles 499-504 of the Penal Code criminalized all forms of labor trafficking and some forms of sex trafficking and prescribed penalties of 10 to 20 years imprisonment; these penalties were sufficiently stringent, and with respect to sex trafficking, commensurate with other grave crimes, such as rape. The 2006 Act Relating to the Transportation of Minors and the Suppression of Child Trafficking (Act 2006-04) criminalized all forms of child sex trafficking as well as labor trafficking and prescribed penalties of 10 to 20 years' imprisonment. These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those for other serious crimes, such as rape.

The government shared preliminary statistics indicating officials investigated at least 49 cases of sex and labor trafficking of children in 2020, compared with 117 cases involving 117 suspects in 2019. Authorities reported prosecuting 72 cases under child trafficking and illegal transport of minors laws and 323 other cases that may have contained exploitative aspects under related statutes (240 cases of abduction of minors and 83 cases of illegal confinement of minors) during the reporting period. In 2019, officials reported prosecuting 42 cases of child trafficking and one case of adult trafficking. The government reported authorities referred 86 suspected child traffickers to the Court of Cotonou under a variety of laws during the reporting period, although officials did not disclose the outcomes of the cases. In 2019, judicial officials reported convicting 140 traffickers under a variety of laws. Courts reportedly sentenced the majority of the traffickers to prison terms substantially shorter than the 10-20 years' imprisonment required by Benin's Penal Code for trafficking; some judicial officials asserted that more stringent prison terms may exacerbate the vulnerability of some child victims when the perpetrators are relatives. The majority of arrests occurred along Benin's southern corridor in the cities of Abomey-Calavi, Port Novo, and Cotonou. The

government did not report initiating law enforcement action targeting the trafficking of adults.

The Ministry of Justice noted the lack of an effective data collection system resulted in the need for officials to contact individual courts to obtain case details. Apart from the Central Office for the Protection of Minors, Families, and the Prevention of Human Trafficking (French acronym OCPM), many police stations lacked the computers and reliable electricity necessary to maintain electronic databases on human trafficking; judicial personnel and most courts continue to record cases on paper, creating challenges in compiling and sharing law enforcement statistics.

Authorities did not take action against informal employment agents who facilitated trafficking, and some illicit recruiters continued to lure Beninese victims abroad with fraudulent employment promises during the reporting period. The government did not report prosecuting or convicting government officials complicit in human trafficking offenses, although some civil servants may have exploited children through the traditional practice of *vidomegon*. Additionally, there were specific allegations of customs official facilitated human trafficking during the reporting period; according to observers, the official continued in their role and the government's investigation was ongoing at the end of the reporting period.

In 2020, the Ministry of Justice trained 75 magistrates on human rights and the United Nations Convention against Transnational Organized Crime, including the UN Trafficking in Persons Protocol (Palermo Protocol). Additionally, the government partnered with international organizations to train an unknown number of judges, prosecutors, social workers, and police on standard operating procedures for adjudicating human trafficking cases as well as how to provide trauma-informed care to victims. During the previous reporting period, the government coordinated with international organizations to train on combatting human trafficking 70 police officers, prosecutors, and juvenile court judges in key trafficking cities of Parakou, Dassa, and Bohicon.

During the reporting period, Beninese honorary consuls in Brazzaville and Pointe Noire in the Republic of the Congo assisted with a trafficking investigation into a cross-border case of domestic servitude in Brazzaville involving eight Beninese children. The Congolese judiciary convicted four of the traffickers during the reporting period and sentenced them to 10 years imprisonment each. Additionally,

the Ministry of Interior provided documentation integral to a trafficking investigation involving Beninese children in the United States, resulting in the indictment of three suspects in August. The government did not finalize its trilateral cooperation agreement with Togo and Nigeria to increase law enforcement coordination on transnational trafficking cases during the reporting period.

PROTECTION

The government increased overall efforts to identify and protect child trafficking victims, although its efforts to identify adult victims remained inadequate. In 2020, OCPM officials reported identifying and providing services to 363 potential victims, compared with identifying 309 potential victims in 2019. OCPM officers continued to patrol borders, bus stations, and large markets to proactively detect child trafficking victims, identifying and referring an unknown number of potential victims to temporary shelter and services in 2020, compared with identifying and referring 1,387 potential victims to care in 2019. The government reported NGOs identified 539 child trafficking victims (271 girls and 268 boys) and 63 adult victims (59 women and four men) and referred them to government social services in 2020; officials did not disclose similar statistics in 2019.

The Ministry of Labor and Civil Service General Directorate of Labor reported conducting 2,070 inspections in 2020 at the primary markets in Dantokpa (Cotonou), Ouando (Porto-Novo), and Arzeke (Parakou), as well as in workshops, bars, restaurants, and other areas with high risks of child exploitation. An international organization reported the government identified 2,643 at-risk children through these inspections, and the Ministry of Labor stated it identified 1,273 violations related to child labor during the reporting period. In 2019, authorities conducted 746 inspections and identified approximately 1,040 vulnerable children. Without providing statistics, the government reported law enforcement officers identified victims of sexual exploitation among commercial sex workers through undercover operations during the reporting period. The Ministry of Health's standard operating procedures for providing health services to individuals in commercial sex included a presumption that any minor involved in commercial sex was a sex trafficking victim. The government has not developed a corresponding directive or procedure for the identification of adult trafficking victims.

The Ministry of Social Affairs and Microfinance, OCPM, Ministry of Justice, Ministry of Foreign Affairs, and various international donors and NGOs coordinated during the reporting period to identify, assist, repatriate, and reintegrate child trafficking victims. The process involved OCPM taking initial custody of victims in Benin and providing them temporary shelter in its Cotonou facility with a capacity of 160 (80 boys and 80 girls). Following an OCPM interview and assessment, officials referred victims to a network of NGO shelters. OCPM officers then referred cases to court when there was sufficient evidence following investigations. Ministry of Social Affairs and Microfinance representatives coordinated with NGOs and civil society to reunite children with their families. Observers described the government's referral process as adequate; however, they noted limited shelter capacity hindered the country's service provision and access to justice for some victims. The OCPM shelter offered child victims legal, medical, and psychological assistance and served as a transit facility for potential child trafficking victims while officials worked to place the children in long-term NGO shelters.

The Ministry of Social Affairs and Microfinance's network of Social Promotion Centers (*Centres de Promotion Sociale*) continued to provide basic services for adult and child trafficking victims in all of Benin's 77 communes, with additional Social Promotion Centers in more populated communes such as Parakou, Cotonou, and Porto Novo. Each commune had a service center staffed with a local representative and a social protection committee that could refer child trafficking victims to NGO housing or foster families with the approval of a juvenile court judge.

The Ministry of Social Affairs and Microfinance continued to assist foreign trafficking victims, predominantly children, before repatriating them to their home countries. The government repatriated 155 children (63 girls and 92 boys from Nigeria and the Republic of the Congo, as well as other countries) and two adult victims (women) of trafficking in 2020, compared with 50 victims in 2019. Separately, the Beninese honorary consuls in Brazzaville and Pointe Noire in the Republic of the Congo facilitated the repatriation of eight Beninese child victims of domestic servitude from Brazzaville.

An official reported the government increased OCPM funding for the third consecutive year despite the country's resource constraints. Beninese law did not provide legal alternatives to the removal of trafficking victims to countries in

which victims would face retribution or hardship, although cases involving foreign child trafficking victims were considered for immigration relief on an ad hoc basis. While there were no reports the government penalized victims for crimes their traffickers compelled them to commit, some adult victims may have remained unidentified in the law enforcement system due to authorities' limited awareness of adult trafficking.

PREVENTION

The government increased efforts to prevent trafficking in persons and periodically convened its inter-ministerial committee (IMC) during the reporting period. The IMC—chaired by the Chief of Staff of the Minister of Planning and Development—was composed of directors of offices from across the government as well as partners from key NGOs and international organizations. The government reported it continued to implement the country's 2020-2024 anti-trafficking national action plan, although it did not fund the plan fully due to broad resource constraints exacerbated by the pandemic.

To reduce the demand for commercial sex, the Republican Police, in conjunction with the General Directorate of Labor, held awareness sessions on the risks of the practice with owners of bars, hotels, and restaurants in 2020 in the communes of Malanville, Parakou, Bohicon, and Cotonou. In January 2021, the police's vice squad disseminated letters to landowners with suspected brothels on their property, notifying them that operating brothels is illegal and emphasizing that child sex trafficking is a criminal offense under Benin's laws. The Ministry of Labor did not conduct inspections in some sectors known to employ forced child labor, such as quarries and agriculture.

The government continued its Administrative Census for the Identification of the Population during the reporting period, resulting in officials retroactively registering the births of more than one million children since 2019 in a country with a population of approximately 12.3 million. In 2020, the government registered 1,679 births via SMS through an initiative developed in partnership with an international organization in 2018. A lack of identity documentation contributed to increased vulnerability to trafficking in Benin. The Ministry of Foreign Affairs used a code of conduct for diplomats that prohibited Beninese nationals deployed abroad from engaging in or facilitating trafficking in persons; however, it did not report providing training on the subject to officials.

The OCPM maintained its database—“Enfants du Benin”—to organize information related to child trafficking cases. In 2020, the National Institute of Statistics and Economic Analysis and the Ministry of Justice compiled incomplete nationwide prosecution statistics. The Family and Child Monitoring Office at the Ministry of Social Affairs and Microfinance also maintained a database on child trafficking statistics – Child Pro.

In coordination with an international organization, the Ministry of Social Affairs launched a child protection hotline in March 2020, which received 546 actionable tips regarding child abuse—including exploitation—as of March 2021. The government ensured the hotline remained operational 24 hours a day throughout the reporting period despite the pandemic and staffed it with French and local language speakers. The hotline is available domestically and internationally. The government did not provide anti-trafficking training to its troops prior to their deployment as peacekeepers.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Benin, and traffickers exploit victims from Benin abroad. Trafficking in the country is predominantly internal and involves Beninese children from low-income families exploited in forced labor or sex trafficking. Vulnerable populations most at risk of trafficking frequently lack formal education or basic identity documents, including birth certificates and national identification; officials reported parent illiteracy and single-parent households also increase children’s risk of exploitation. Some community members and relatives use the promise of education or employment to recruit Beninese children from northern rural areas to the more urban southern corridor and exploit them in forced labor in domestic servitude, markets, farming, as “apprentices” engaged in various trades, and in handicraft manufacturing. Beninese traffickers include farmers, traders, artisans, small factory owners, and civil servants; some belong to criminal networks and others may have been former trafficking victims.

Authorities stated COVID-19-related border closures as well as cancelled flights likely decreased cross-border exploitation but may have complicated victim repatriation efforts. Poverty resulting from the pandemic’s economic impacts and school closures to prevent the disease’s spread increased the population’s risk of exploitation, according to officials. Further, experts state migrant workers are

especially vulnerable to COVID-19-related shocks due to their propensity for employment in markets, restaurants, hotels, retail, wholesale trade, tourism, and transportation sectors, which are industries disproportionately impacted by the pandemic.

The government reported traffickers exploit children living in the lakeside areas of Benin—including the commune of So Ava in southeast Benin—into debt bondage. Criminal elements operate in urban areas under the guise of informal employment agents and recruit children for domestic work in private residences, where house managers and families exploit them in domestic servitude. Some parents follow a traditional practice known as *vidomegon*, which involves sending children to wealthier families for educational or vocational opportunities; some of these more affluent families then subject the children to forced labor in various sectors, including in domestic service and open-air markets. The government reported criminals exploit girls in sex trafficking in Cotonou and Malanville. Officials reported traffickers exploit boys, girls, and women from Djougou and Bassila in the northwest of the country; Parakou in the northeast; Zakpota, Djida, and Agbaizoun in the central region; in the Adja region and in Lobogo in the southwest; and Pobe and Sakete in the southeast; traffickers exploit these groups in labor and sex trafficking.

Cross-border criminal groups subject Beninese children to domestic servitude and other forms of forced labor in Nigeria, Gabon, the Republic of the Congo, and other West and Central African countries. Benin has been the largest source country for trafficking victims in the Republic of the Congo, with the department of Oueme in southeast Benin historically an area traffickers used to recruit child victims. Child, early, and forced marriage remains a nationwide problem, with some families forcing girls into marriages as a result of generational poverty; husbands and their families may then subject these girls to sexual slavery or domestic servitude.

Reports indicate criminal groups fraudulently recruit young Beninese women for domestic work in Kuwait, Saudi Arabia, Lebanon, and Algeria and subsequently exploit them in forced labor or sex trafficking; however, travel restrictions related to the pandemic likely decreased this phenomenon during the reporting period. Traffickers and their accomplices continue to send child victims to their destinations alone and then meet the victims upon arrival, increasing the challenges for law enforcement to investigate these crimes. International organizations report

some adult labor migrants use airports primarily in Togo—but also in neighboring countries Burkina Faso and Nigeria—to circumvent anti-trafficking screening procedures put in place by the government at Cotonou’s international airport, increasing the migrants’ vulnerability to human trafficking. Experts highlighted the commune of Djougou in northwestern Benin as an area of origin for women whom traffickers subject to forced labor and potentially sexual exploitation in Persian Gulf countries, Lebanon, and the Maghreb.